

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Includes reference to PCT International Applications)



FROMMER LAWRENCE & HAUG, LLP
File No.: 454311-2200.1

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural, names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

***CaESSI: A CANDIDA ALBICANS GENE, METHODS FOR MAKING AND USING,
AND TARGETING IT AND ITS EXPRESSION PRODUCTS FOR ANTIFUNGAL
APPLICATIONS***

the specification of which:

- is attached hereto
 was filed with/transmitted to USPTO on February 18, 2000 as:
 United States Application Serial No. 09/507,242
 as the National Phase or Continuation or Continuation-in-Part of PCT Application No. _____, filed _____, designating the U.S., and published as _____ on _____
 with amendments through DATE EVEN HEREWITH (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a) - (d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

<u>Country (or PCT)</u>	<u>Application Number:</u>	<u>Filed (Day/Month/Year)</u>	<u>Priority Claimed:</u>
			<u>Yes</u> <u>No</u>

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

Country (or PCT)

Application Number:

Filed (Day/Month/Year)

Priority Claimed:

Yes

No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/121,246
(Application Number)

FEBRUARY 23, 1999
(Filing Date)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or § 365 (c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:
U.S. Serial No.: Filed (Day/Month/Year) PCT Application No. Status (patented, pending, abandoned)

I hereby appoint Thomas J. Kowalski, Registration No. 32,147, and FROMMER LAWRENCE & HAUG, LLP or their duly appointed associates, my attorneys or agents, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above, and specify that all communications about the application are to be directed to the following correspondence address:

Thomas J. Kowalski, Esq.
c/o FROMMER LAWRENCE &
HAUG, LLP
745 Fifth Avenue
New York, NY 10151
FAX (212) 588-0500

Direct all telephone calls to: (212) 588-0800
to the attention of:
Thomas J. Kowalski

I hereby declare that all statements made herein of my own knowledge are true and that

all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature:

Date: 3/1/2000

Full name of first inventor: **HANES, Steven D**

Residence: **16 EUCLID AVENUE, ALBANY, NEW YORK 12203**

Citizenship: **UNITED STATES**

Signature:

Date: 3/1/2000

Full name of first inventor: **DEVASAHAYAM, Gina**

Residence: **11-C South Leith Castle Street, Santhome, Madras 600-028, India**

Citizenship: **INDIAN**

Signature:

Date: 3/1/2000

Full name of first inventor: **CHATURVEDI, Vishnu**

Residence: **11 Oneida Court, Slingerlands, New York 12159**

Citizenship: **INDIAN**

Post Office Address(es) of inventors [if different from residence]:

NOTE: In order to qualify for reduced fees available to Small Entities, each inventor and any other individual or entity having rights to the invention must also sign an appropriate separate "Verified Statement (Declaration) Claiming [or Supporting a Claim by Another for] Small Entity Status" form [e.g. for Independent Inventor, Small Business Concern, Nonprofit Organization, Individual Non-Inventor].

FORM PTO-1595
(Rev. 6-93)RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies) Steven D. HANES, Gina DEVASAHYAM and Vishnu CHATURVERDI Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies) Name: HEALTH RESEARCH INCORPORATED Internal Address: Street Address: ONE UNIVERSITY PLACE City: NEW YORK, NEW YORK 12144-3455 State: Zip:
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Security Agreement <input type="checkbox"/> Merger <input type="checkbox"/> Change of Name <input type="checkbox"/> Other		Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Execution Date: FEBRUARY 18, 2000		
4. Application number(s) or patent number(s): 09/507,242 If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No.(s) B. Patent No.(s) Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: THOMAS J. KOWALSKI, ESQ. Internal Address: FROMMER LAWRENCE & HAUG LLP 745 FIFTH AVENUE NEW YORK, NEW YORK 10151 Street Address: City: State: Zip:		6. Total number of applications and patents involved 1 7. Total fee (37 CFR 3.41)..... \$ 40.00 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account #50-0320 8. Deposit account number: 50-0320 (Attach duplicate copy of this page if paying by deposit account)

Do not use this space

9. Statement and signature
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.**THOMAS J. KOWALSKI, ESQ.**

Name of Person Signing

Signature

March 14, 2000

Total number of pages including cover sheet, attachments, and document): **3**

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:
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Frommer Lawrence & Haug, LLP
File No.: 454311-2200.1
Serial No.: 09/507,242
Filing Date: FEBRUARY 18, 2000

ASSIGNMENT

We, **HANES, Steven D., DEVASAHAYAM, Gina and CHATURVEDI, Vishnu**, who reside at: **16 EUCLID AVENUE, ALBANY, NEW YORK 12203, 11-C South Leith Castle Street, Santhome, Madras 600-028, India and 11 Oneida Court, Slingerlands, New York 12159**, respectively, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled: "**CaESSI: A CANDIDA ALBICANS GENE, METHODS FOR MAKING AND USING, AND TARGETING IT AND ITS EXPRESSION PRODUCTS FOR ANTIFUNGAL APPLICATIONS**" and **HEALTH RESEARCH INCORPORATED**, whose address is One University Place, Rensselaer, New York 12144-3455, and which, together with its successors and assigns is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits and privileges hereinafter recited, and of confirming the same or any part thereof heretofore acquired by Assignee.

Now, therefore, for valuable consideration furnished by Assignee to each of us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign and convey to and confirm in Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or discoveries or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;
2. Authorize Assignee to file and prosecute patent applications in any or all countries on any or all of said inventions and discoveries in our name or names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;
3. Authorize and request the Commissioner of Patents of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;
4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;
5. Bind our heirs and legal representatives, as well as each of ourselves to do, upon Assignee's request and at its expense, but without additional consideration to any of us, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by each of us or each of our heirs or representatives if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to

each of us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs or legal representatives and which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

The effective date of this instrument is the 18TH day of FEBRUARY, 2000.

In testimony of which we have affixed our signature.



HANES, Steven D.,



~~DEVASAHAYAM, Gina~~



CHATURVEDI, Vishnu